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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,685	03/05/2003	Ketan Ruparel	Ruparel - 1	3746

7590 12/23/2005
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EXAMINER

COULTER, KENNETH R

ART UNIT PAPER NUMBER

2141

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/069,685	Applicant(s) RUPAREL, KETAN	
	Examiner Kenneth R. Coulter	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/22/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Information Disclosure Statement

2. Examiner notes that two of the foreign references provided by Applicant (WO 98/13765 and EP 0 909 082 A1) have not been considered since the two foreign references are not listed on a form 1449.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Gisby et al. (U.S. Pat. No. 6,044,146) (Method and Apparatus for Call Distribution and Override With Priority).

4.1 Regarding claim 1, Gisby discloses a method of establishing communication between an information source defined by a data processing system and a user accessing the information source with a data processing device via a communications network, the method comprising:

assigning a position in a queue to the user according to one or more rules (Abstract; Figs. 3, 4; col. 2, lines 23 – 33; col. 5, lines 22 - 40);

determining contact information relating to the user which enables an agent to contact the user (Abstract; Figs. 3, 4; col. 2, line 51 – col. 3, line 5); and

establishing communication between an agent and the user at the head of the queue using the contact information (Abstract; Figs. 3, 4; col. 2, line 51 – col. 3, line 5);

characterized in that

at least one rule relates to the use of the information source by the user, the method further comprising monitoring the interaction of the user with the information source, one or more of the rules using the monitored interaction with the information source to assign a position in the queue to the user, wherein the information source is a

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Web server and the user accesses the information source using a Web browser

(Abstract; Figs. 3, 4; col. 2, lines 23 – 33; col. 5, lines 22 - 40).

4.2 Per claim 2, Gisby teaches monitoring information received from the user, one or more of the rules using the information received from the user to assign a position in the queue to the user (Abstract; Figs. 3, 4; col. 2, lines 23 - 33).

4.3 Regarding claim 3, Gisby discloses that the monitored interaction with the information source includes one or more of, the time spent by the user accessing the information source, how frequently the user has accessed the information source, and specific information accessed by the user (Abstract; Figs. 3, 4; col. 2, line 57 – col. 3, line 5).

4.4 Per claim 4, Gisby teaches monitoring the usage of the information source by the user, and reordering the queue so as to be in accordance with the rules (Abstract; Figs. 3, 4; col. 2, lines 23 – 33; col. 5, lines 22 - 40).

4.5 Regarding claim 5, Gisby discloses that the communication network is a WAN (col. 3, line 65 – col. 4, line 10), LAN (col. 4, lines 18 – 31), PSTN (col. 3, lines 49 – 65), or the Internet (col. 3, lines 49 - 58).

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4.6 Per claim 6, Gisby teaches that the contact information is in the form of a telephone number (col. 4, lines 61 - 67), WAN address (col. 3, line 65 – col. 4, line 10), LAN address (col. 4, lines 18 – 31), email address (col. 8, lines 55 - 63), or TCP/IP address (col. 3, lines 49 - 58).

4.7 Regarding claim 7, Gisby discloses that the user provides the contact information to the information source prior to accessing the information source (Abstract; Figs. 3, 4; col. 2, lines 23 – 33; col. 5, lines 22 - 40).

4.8 Per claim 8, Gisby teaches that the instruction data are transferred from the Web server to the data processing device of the user and wherein the instruction data instruct the data processing device to provide contact or monitoring information to the information source (Abstract; Figs. 3, 4; col. 2, lines 23 – 33; col. 5, lines 22 - 40).

4.9 Regarding claim 9, Gisby discloses that the instruction data are in the form of an applet (col. 2, lines 23 - 45).

4.10 Per claim 10, Gisby teaches that the information used by at least one of the rules is communicated between the Web server and the Web browser in the form of a cookie (Abstract; Figs. 3, 4; col. 2, lines 23 – 33; col. 5, lines 22 - 40).

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4.11 Regarding claim 11, Gisby discloses that the contact information is used to establish communication between the agent and the user while the user continues to access the information source (Abstract; Figs. 3, 4; col. 2, lines 23 – 33; col. 5, lines 22 - 40).

4.12 Per claim 12, Gisby teaches that the communication is established between the agent and the user via a PSTN (col. 4, lines 61 - 67), WAN (col. 3, line 65 – col. 4, line 10), LAN (col. 4, lines 18 – 31), email address (col. 8, lines 55 - 63) or TCP/IP address (col. 3, lines 49 - 58).

4.13 Regarding claims 13 – 16, the rejection of claims 1 – 12 under 35 USC 102(e) (paragraphs 4.1 – 4.12 above) applies fully.

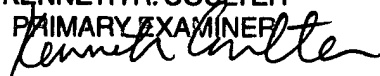
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on 5 4 9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KENNETH R. COULTER
PRIMARY EXAMINER



krc